

U.S. DEPARTMENT OF INTERIOR
BUREAU OF LAND MANAGEMENT
CALIFORNIA DESERT DISTRICT, RIDGECREST FIELD OFFICE

SURPRISE CANYON EIS
PUBLIC AND AGENCY SCOPING MEETING

MEETING TIME: 3:15 P.M.

MEETING PLACE: RIDGECREST FAIRGROUNDS

RIDGECREST, CALIFORNIA

Reported By: Natalie Davies, CSR No. 12311

1 APPEARANCES

2

3 Meeting Facilitator: Interactive
4 By: JOHN C. JOSTES, AICP
30 West Mission Street
Suite 4
5 Santa Barbara, California 93101

6

General Public George Novak
7 Speakers: Rock Novak
Stan Haye
8 Mimi Merrill
David Wilamowski
9 Jeanie Haye
Rob Park
10 Marie Brashear
Robert Strub
11 Garry Hall
Jeri Ferguson
12 George Novak (Further)
Bruce Wright
13 Stan Haye (Further)
Robert Strub (Further)

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1 RIDGECREST, CALIFORNIA

2 MONDAY, JULY 29, 2002; 3:15 P.M.

3 RIDGECREST FAIRGROUNDS

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6 MR. JOSTES: Folks, we're going to go ahead
7 and get started.

8 Okay. I'd like to thank you for coming to
9 this afternoon's meeting.

10 My name is John Jostes. I think I'll stand
11 up. And I'm an independent meeting facilitator who has
12 been hired to help the Bureau of Land Management run a
13 series of five scoping meetings.

14 And if you can't hear me in the back,
15 please wave or holler or something because we don't have
16 a public address system here this afternoon or this
17 evening.

18 But, basically, this is the first of five
19 scoping meetings that has as its central purpose to
20 solicit feedback from you about the focus of the
21 environmental impact statement, i.e., what types of
22 environmental issues or questions should that
23 environmental document address, and what would be the
24 range of alternatives that also need to be considered as
25 the BLM collects and analyzes information that will help

1 it make a decision regarding access into Surprise Canyon.

2 Tonight we're meeting here in Ridgecrest.

3 We have two more meetings this week, one in Bakersfield
4 tomorrow and another one in Lone Pine on Wednesday night.
5 Then next week on Monday, we will have a meeting in
6 Pasadena; and on Tuesday, we will have one in San Diego.

7 And the intent of having those five
8 meetings is to make sure that the broadest range of
9 public users and those who are concerned and passionate
10 about Surprise Canyon have an opportunity to offer
11 comments.

12 Before we get going, I'd like to talk a
13 little bit about how we can make this a productive
14 meeting.

15 My role is mainly to help you have
16 constructive input into the process, to be heard, and to
17 help you to ask smart questions so that the environmental
18 document, the EIS, that's prepared by the contractors who
19 are working directly with the Bureau of Land Management
20 will be responsive to the issues and concerns that you
21 have.

22 This is not a meeting at which a decision
23 will be made regarding which alternative or whether
24 access will be limited or open or closed. It is the
25 first of three series of public meetings.

1 After we complete these five meetings, a
2 draft of the Environmental Impact Statement will be
3 prepared and circulated for public review and comment.

4 Once that document is out on the street,
5 there will be another series of meetings at which time
6 you and anybody who as an interest in this area and this
7 particular project will have an opportunity to comment on
8 the completeness, the accuracy, and the objectivity of
9 that draft EIS.

10 And then a third series of meetings will
11 take place after that EIS is completed and when the
12 Bureau of Land Management is seeking to choose and
13 implement a specific alternative.

14 There are -- nothing is cast in stone from
15 my standpoint at this point in time. In terms of
16 alternatives, it's wide open. So we're looking to you to
17 tell us what you think about what are the appropriate
18 alternatives to look at and what are the issues that this
19 EIS needs to address.

20 Currently, the company that is preparing
21 the Environmental Impact Assessment, AMEC, is focusing on
22 10 different issue areas: Natural resources, cultural
23 resources, geology and soils, water quality and quantity,
24 air quality and noise, recreation, land use and
25 transportation, aesthetics and visual impacts, social and

1 economic impacts, and wild and scenic river issues.

2 The alternatives that are in the
3 preliminary stages of being drafted include: No action,
4 which is always an alternative that any environmental
5 document, particularly an EIS, needs to address, which is
6 temporary access for vehicles until the -- I believe it's
7 July 30th of 2004.

8 This EIS is, in part, a result of a
9 settlement between an organization -- I believe it's the
10 Center for Southwest by Diversity and the BLM that
11 required the EIS. So that's why we're here.

12 There's other alternatives in terms of
13 closing access, having limited access to reconstructing
14 the road that previously existed up Surprise Canyon.

15 I think that in order to get the most out
16 of this meeting, feel free to ask questions so that we
17 can get those questions down on the flip chart. I'm
18 going to be taking notes on flip-chart papers.

19 Natalie, here on my left, is our recorder
20 this afternoon and this evening. And she's going to be
21 getting a verbatim transcript.

22 Both of those approaches to recording
23 what's said this afternoon and this evening will go into
24 a scoping summary, or a scoping report, that will be made
25 a part of the environmental document that -- when the

1 draft is prepared.

2 And Natalie will make a presentation just
3 briefly following mine.

4 We've put together, for you, a couple of
5 handouts. At the front desk there is a -- something that
6 was put together by the Bureau of Land Management that's
7 a summary of the project and the context and some
8 definitions. It has a map in the end. And that's an
9 important document for you to keep with you and
10 reference.

11 There is this afternoon's and this
12 evening's agenda. Basically, this is a meeting for you.
13 And it's a listening process for those who are preparing
14 the document. On the back of it are some meeting ground
15 rules. And these ground rules are basically the
16 boundaries that we need to stay in this afternoon to have
17 a constructive and a productive meeting.

18 I want to get you to the end of this
19 process, make sure your issues can be heard and
20 understood.

21 Natalie may ask you a question if she
22 didn't hear what you said, or we may stop you to make
23 sure we're getting it.

24 So indicate what issues need to be
25 addressed and why they need to be addressed or the same

1 goes with the alternatives.

2 I look at this as an opportunity to deal
3 with differences as problems to be solved and not battles
4 to be won.

5 The central purpose of this meeting, again,
6 is to focus the environmental report on meaningful
7 issues.

8 I'd like to see that we could keep this
9 meeting focused and civil and no cheap shots. Part of my
10 role is to be a traffic cop and help everybody to have an
11 opportunity to speak. And I'm going to try to run this
12 in a fairly informal manner, but if we get off track, I
13 may have to revert to my hearing officer status and
14 interrupt you if you start to wander from our ground
15 rules.

16 But I think that we have -- because of a
17 limited turnout this afternoon. I'm not going to push
18 the three-minute rule very hard. I want to make sure
19 everybody gets a chance to speak once and get their
20 points across.

21 And, lastly, this is about sharing
22 information so the environmental document can do what it
23 is supposed to and that's address the issues in
24 sufficient depth so that an intelligent decision can be
25 made about what to do with regards to access into

1 Surprise Canyon, particularly vehicular access.

2 Are there any questions so far?

3 MS. HENRY: You rambled off a list. Can
4 you repeat that list?

5 THE COURT REPORTER: Just a second.

6 MR. JOSTES: Before we go to the questions,
7 I think it's Natalie's turn to give you a little
8 perspective on what she's doing here.

9 Okay. There are also yellow speaker slips
10 at the front on either side of this table. If you could,
11 fill out those, and I could just take folks in the order
12 that you turned them, and we can kind of move through the
13 topics this afternoon.

14 Now, questions about the process as opposed
15 to the project, and if you have a question, if you could
16 stand up and state your name.

17 And I'll start with this lady right here
18 and then the gentlemen behind here, and then we'll go
19 over to this lady over here (indicating). Okay.

20 Yes, ma'am.

21 MS. HENRY: Marryanne Henry.

22 And you rattled off a list of six or seven
23 things -- noise, wild and scenic rivers and then some
24 other stuff.

25 MR. JOSTES: I'll write those on --

1 MS. HENRY: I would like you to restate
2 them.

3 MR. JOSTES: I'll write those up here for
4 you to look at.

5 Okay?

6 MS. HENRY: Okay. Good.

7 MR. JOSTES: While folks are talking, we'll
8 get that up here so people can see what we're talking
9 about.

10 MS. HENRY: Thank you.

11 MR. JOSTES: Okay. There is a question
12 over here.

13 MR. STRUB: Yeah. Bob Strub from Trona,
14 S-t-r-u-b. And I had the same question. You rattled it
15 off pretty quick.

16 MR. JOSTES: Okay. Great. Thank you.

17 Yes, ma'am.

18 MS. FERGUSON: Jeri Ferguson,
19 F-e-r-g-u-s-o-n.

20 I basically had the some question, too. My
21 other question is: The transcripts that are being done
22 today, when are they going to be available for the
23 public.

24 MR. JOSTES: I don't know the answer to
25 that. I'll make sure I have that answer for this

1 evening's meeting.

2 MS. FERGUSON: Okay. Thank you.

3 MR. JOSTES: Okay. I've only got three
4 public speaking cards. So let's start with George --
5 George Novak.

6 George, would you like to come up to the
7 podium, state your name, and give us your comments.

8 MR. G. NOVAK: Frankly, I never heard a
9 word that either one of you said. I'm so damn deaf. I
10 don't even know what to talk about.

11 MR. JOSTES: Okay.

12 MR. G. NOVAK: What is it you want me to
13 say?

14 MR. JOSTES: Well, do you have any comments
15 about the environmental issues associated with
16 Surprise Canyon?

17 MR. G. NOVAK: Well --

18 MR. JOSTES: And if you --

19 MR. G. NOVAK: I think that they did a very
20 foolish thing when they went and sued the BLM. That was
21 a very idiotic thing to do.

22 MR. JOSTES: Okay.

23 MR. G. NOVAK: What am I supposed to do?
24 Stand over there and talk?

25 MR. JOSTES: That would be great, if you

1 could do that.

2 MR. G. NOVAK: Now, what -- what issues
3 should I -- what do you think --

4 MR. JOSTES: It's up to you. If you have a
5 particular concern you want the BLM --

6 MR. G. NOVAK: I can't hear you.

7 MR. JOSTES: -- to consider.

8 MR. G. NOVAK: I'm so deaf. I can't hear
9 you.

10 MR. JOSTES: Okay. If you have a concern
11 that you want the BLM to answer, a question or a comment,
12 now is the time for you to tell us what that is.

13 MR. G. NOVAK: Oh. Well, I have been
14 getting along with the BLM very well.

15 MR. JOSTES: Okay.

16 MR. G. NOVAK: Since they've blocked off
17 the Canyon and put the gates across, I think it's the
18 smartest thing they ever did.

19 Well, you take the bighorn sheep. They're
20 multiplying. They're coming down to my place like they
21 used to. They're not afraid of people, and they're not
22 afraid to come down and get a drink of water anymore.
23 And the water has cleared up, and our water is back to
24 where it's fit to drink for human consumption.

25 And that running up and down the Canyon

1 with motor vehicles in the water, I think shouldn't be
2 allowed. It's a -- it's a --

3 In California our water is the most
4 precious thing we have. So much of it is contaminated
5 already. We cannot use it. And every little stream and
6 every little spring -- the day will come when every
7 little spring and every little stream will be put in
8 bottles or taken care of for human consumption.

9 Like over in the main valleys today --

10 MR. JOSTES: I'm going to write this up
11 here. Just keep going.

12 MR. G. NOVAK: -- there's not enough water
13 in the rivers to fill up the consumption of the people.

14 MR. JOSTES: Okay. Is there anything
15 besides water quality?

16 THE COURT REPORTER: I may not be able to
17 hear him.

18 MR. JOSTES: You need to speak over here to
19 this lady here.

20 MR. G. NOVAK: Well, I imagine there's a
21 lot of things that could be said. We ought to try to
22 maintain as much of it as we can, you know, and keep it
23 back, like -- keep it like it's supposed to be, and maybe
24 some day mining will be coming back, and we'll want to
25 mine and something like that.

1 There's no use going in there and tearing
2 up the county and rebuilding roads and all that stuff up
3 in there when actually there's no critical use for people
4 to be using the road at the present because nobody is
5 actually mining because the price of your material don't
6 pay to mine nowadays. We've got to wait until the price
7 of silver goes up a little or other prices go down to
8 where you can afford to do it.

9 You can't open a grocery store and sell
10 your groceries at the same price you paid for them. You
11 know, you can't do that.

12 So we just kind of have to stumble around
13 over some of these things and hope things will change
14 and -- but it looks like it's getting a little better
15 right along, and I have hopes it, and I have hopes in our
16 country and the people within it.

17 As far as environmentalists goes, we have
18 to keep care of what we got. We can't destroy it. And I
19 think every man, woman, and child in America has a
20 certain amount of natural born dignity about them not to
21 have litter and crap laying all over the desert or all
22 over the town and to clean up their backyards and all of
23 that good stuff. I think everybody's naturally born to
24 that.

25 And it makes some people kind of half mad

1 when somebody comes and crams it down your throat, and
2 you go to their place and see that they're filthier than
3 a damn hog, you know.

4 MR. JOSTES: Okay.

5 MR. G. NOVAK: Just like I told one guy --
6 he was giving me hell about -- well, the leaves fell off
7 the trees and covered up stuff, and it did make it look
8 junkie, you know. But I finally told him -- I said, "You
9 know, that big dog you got contaminates the backyard so
10 bad that the neighbors have to wear a gas mask." And the
11 ranger that was with him, he said, "Yeah. I know what
12 you mean."

13 MR. JOSTES: Okay.

14 MR. G. NOVAK: Stuff like that, you know.
15 There's a lot of stuff that's unnecessary. We get along
16 pretty good out there. We don't have much trouble
17 anymore.

18 MR. JOSTES: Okay. Thank you very much.

19 MR. G. NOVAK: But I try to cooperate with
20 people as much as I can, but people who hike -- go on
21 hikes -- they put a pack on their back. They want to
22 hike up that mountain, and they want to go up there and
23 look at the country. They stop and look around. They
24 see the hills. They see the animals or whatever there is
25 to see, and they enjoy it.

1 If you drive a four-wheel drive up, I'll
2 guarantee you've got your eyes on that road; and if you
3 ain't, you ain't going very far. They don't see nothing.

4 MR. JOSTES: Okay.

5 MR. G. NOVAK: All they do is tear things
6 up.

7 MR. JOSTES: Okay. Thank you.

8 Do you have any last comment about the
9 environmental document? Do you have anything you would
10 like to say to wrap up and finish your comments on the
11 Environmental Impact Statement?

12 MR. G. NOVAK: Well, I hope I can live to
13 be 100 years and get along with them as long as I live.

14 MR. JOSTES: Okay. Thank you very much.

15 MR. G. NOVAK: Because I love where I live,
16 and I love what I do. Otherwise, I wouldn't be there.

17 MR. JOSTES: All right. Thank you, George.

18 MR. G. NOVAK: Yes. I appreciate you
19 trying to do what's right by everything, you know. Treat
20 people right and be treated right. That's the main thing
21 in life.

22 MR. JOSTES: Okay. Thank you.

23 MR. G. NOVAK: And thank you all for
24 listening.

25 MR. JOSTES: The next person is

1 Rock Novak.

2 Rock Novak? Rock?

3 MR. R. NOVAK: That's me.

4 MR. G. NOVAK: He can probably do a better
5 job than I can.

6 MR. R. NOVAK: Well, there is a lot of
7 concerns about that. You know, like after this last
8 flood -- there was a weird flood. I've never seen a
9 flood like that before; but what it did was, it just
10 flooded in gravel, real deep gravel.

11 MR. JOSTES: If you could speak up a little
12 bit.

13 MR. R. NOVAK: From one end of that canyon
14 to the other, it's just filled with gravel now; and with
15 nobody driving up there, it's okay. But people start
16 driving up there and going through that gravel and that
17 water and stuff, all that gravel and mud is going to
18 start running down. It's going to destroy Chris Wicht
19 Camp, the camp I live in.

20 And right now, the first time in probably
21 seven, eight years, we've got a family of 14 bighorn
22 sheep living up there. The first time I've seen them in
23 about seven, eight years. There's about four baby ones,
24 and there's about ten adults. And they have been coming
25 around just right across the wash from where I live,

1 Chris Wicht Camp, just across the wash there. Just on
2 the side of the hill, we've got them sheep come in just
3 about every day.

4 And like I said, that's about the first
5 time that's happened in seven, eight years. And they're
6 drinking the water, and there's signs of sheep all the
7 way up and down the Canyon.

8 And there's getting to be a lot more
9 chukar, you know, wildlife and stuff coming around.

10 But when you've got jeeps running up and
11 down there -- if you've got oil, gas in the water,
12 muddy -- stuff like that, that wildlife ain't going to
13 drink it. They won't drink nothing that's -- you know,
14 if the water is polluted, they won't drink it.

15 And that's all they're going to do. If
16 they drive through that gravel, they're just going to
17 have that -- all that gravel just running down the
18 canyon. And it's going to run right into my ditch, which
19 is about 600 feet long. And that all has to be dug out
20 every weekend by hand.

21 And that's a real nice, green scenic place
22 in there. And if that water stops running in there,
23 everything is going to die. That's going to be the end
24 of it.

25 And I think the best thing the BLM has ever

1 done, since I've been there, is put a gate across the
2 canyon. That's about the best thing that ever happened
3 because you can't believe some of the things that I've
4 seen up Surprise Canyon from some of these Jeep groups.

5 MR. G. NOVAK: Tell them about the human
6 dung that you picked up one day.

7 MR. R. NOVAK: That's just some of the
8 things.

9 MR. G. NOVAK: In the water --

10 MR. R. NOVAK: Well --

11 MR. G. NOVAK: -- up above.

12 MR. R. NOVAK: I've found stuff like that,
13 you know. Like, at the narrows -- when they stop, before
14 they start going up the narrows, everybody has to run
15 down the creek and go to the bathroom. I've seen some
16 pretty nasty looking stuff down there; and that gets in
17 the water, pollutes it. I've found toilet paper up and
18 down the Canyon, broken bottles -- stuff like that.

19 And I think the Canyon would be a lot
20 better off being closed like it is, I mean, along the
21 line of the water getting purer now. The water tastes
22 better than I've ever tasted it in 20 years. The water
23 is getting to be excellent.

24 And like I said, the game is coming in and
25 all that stuff. And it's getting back to being normal

1 again. For the last 20, 30 years, it was an abnormal
2 place with game with all this pollution stuff going on
3 every weekend.

4 I was up there at the narrows one time, and
5 I smelled something. Down at the bottom of the narrows,
6 over there in the willows, I smelled something. I looked
7 over there, and there was a bighorn sheep that had his
8 head cut off. That's the kind of stuff that you end up
9 with when you start getting a lot of tourists up there.
10 They left the body, and they took the head because, you
11 know, they can get 4-, 5,000 bucks out of the head. And
12 the sheep was laying alongside the water, polluting the
13 water. So I had to drag its body off and expose of it.
14 That's the kind of stuff you run into.

15 And then when they get up there in the
16 city, you know, they vandalize everything up there, break
17 windows, tear stuff up. They don't care. They bring all
18 their supplies with them. They don't spend a nickel here
19 in this county, or Inyo County.

20 MR. JOSTES: Okay. Rock --

21 MR. R. NOVAK: They bring everything with
22 them.

23 MR. JOSTES: -- do you think you could wrap
24 up?

25 MR. R. NOVAK: Yeah.

1 MR. JOSTES: Okay.

2 MR. R. NOVAK: Am I done talking now?

3 MR. JOSTES: It's up to you.

4 MR. R. NOVAK: Well, I'll wrap her up.

5 MR. G. NOVAK: I've got a couple more

6 comments that I would like to make.

7 MR. JOSTES: George. George, we're going

8 to have to take people in order; so you'll have to sit

9 down.

10 MR. G. NOVAK: Oh.

11 MR. JOSTES: We have to take people in

12 order.

13 MR. G. NOVAK: I have been hearing about

14 them wanting to put a road up there, and I'd like to make

15 a comment on the cost of this road.

16 MR. JOSTES: After everybody else gets to

17 speak, I'll call on you again.

18 MR. G. NOVAK: Okay.

19 MR. JOSTES: Thank you.

20 MR. G. NOVAK: I'd like to --

21 MR. JOSTES: The next person is Stan Haye,

22 H-a-y-e.

23 Stan, would you like to make a comment?

24 MR. HAYE: My name is Stan Haye. And I've

25 lived in Inyo County for, oh, over 20 years. I'm now a

1 resident of Ridgecrest.

2 The first thing I'd like to mention is that
3 I believe the moderator should always say that the issue
4 here is motorized access into Surprise Canyon. The issue
5 is not access. Every other type of access would be
6 allowed. All we're talking about is motorized access.
7 And that should always be emphasized.

8 I'd like to ask a question. I may not be
9 clear. Is this an EA we're talking about, or this is an
10 EIS we're going to write?

11 MR. JOSTES: This is an EIS we're talking
12 about.

13 MR. HAYE: Good.

14 Okay. I also want to just --

15 UNKNOWN: Can you speak up?

16 MR. JOSTES: Excuse me?

17 UNKNOWN: Could he speak up?

18 MR. JOSTES: Okay. We're talking about an
19 Environmental Impact Statement, not an --

20 UNKNOWN: I understand what you're talking
21 about.

22 MR. JOSTES: Okay.

23 UNKNOWN: I can't hear what he's saying.

24 MR. JOSTES: Okay. If you could speak up a
25 little bit, Stan.

1 MR. HAYE: Okay. I also want to state for
2 information who George and Rocky Novak are. They live at
3 Chris Wicht Camp at the base of the Canyon. If there's
4 anybody who knows what's going on, they do.

5 I also have been into Surprise Canyon and
6 up to Panamint City, I guess, dozens and dozens of times,
7 starting 20 or 30 years ago when there were two chimneys
8 at Panamint City instead of one. And I know that area.
9 Right now there is no road existing through the narrows.
10 There is simply no road.

11 Historically, whenever that road is
12 rebuilt, what happens is that they take D-8 Cats and push
13 dirt and rocks and gravel down from the top and simply
14 cover up the narrows. And, of course, this is
15 devastating to the riparian area, devastating to water
16 quality. And in every other way, it's just sheer
17 destruction.

18 So if there's going to be any reopening of
19 that road, there has to be some better way that is not
20 destructive to the natural values.

21 Right now, also, there is no particular,
22 practical reason to go to Panamint City or above. There
23 is no mining operation. The last operator Dave Pruitt
24 went broke. And that was, well, 10, 15 years ago.

25 Reportedly, the ore up there is to complex

1 to be milled in an economic manner, and it doesn't look
2 like there's probably going to be any mining operation
3 coming soon. If there is, there should be an EIS written
4 on that whole operation including reconstruction of the
5 road.

6 And, in short, I see absolutely no reason
7 that that road should be open or rebuilt at all.

8 MR. JOSTES: Thank you, Stan.

9 Are there other people who would like to
10 speak this afternoon?

11 Okay. If you could come up and hand in a
12 speaker slip.

13 MS. MERRILL: It's just in response to what
14 you wrote.

15 MR. JOSTES: Okay. But you need to come up
16 to the podium. I hope you will correct me if I don't get
17 it right.

18 THE COURT REPORTER: Would you state your
19 name, please.

20 MS. MERRILL: Mimi Merrill. I don't
21 believe that Stan said "if you reopen the road." I think
22 that he was quite unequivocal about the danger of
23 reopening it, and I think that that gets off of what he
24 actually said.

25 MR. JOSTES: Okay.

1 MS. MERRILL: That was my only concern
2 there.

3 MR. JOSTES: Okay. Thank you.

4 We have -- the next speaker is Bill Maddux.

5 Please, if you've got speaker slips, hand
6 them in.

7 Any other speaker slips out here?

8 Anybody? Great.

9 MR. MADDUX: I'm Bill Maddux. I represent
10 myself. Public access. The road was put in up there in
11 1874. The vegetation, the riparian areas are alive and
12 well today. That shows that vehicular traffic has not
13 hindered it one bit. I just want access.

14 I would like sound, scientific proof that
15 the vehicular traffic is destroying the riparian areas.
16 It does not exist.

17 Here, I typed it for you.

18 THE COURT REPORTER: Thank you.

19 MR. JOSTES: Okay. The next person is
20 David Wilamowski, followed by Jeanie Haye.

21 MR. WILAMOWSKI: Did you get my name?

22 THE COURT REPORTER: No, sir.

23 MR. WILAMOWSKI: It's W-i-l-a-m-o-w-s-k-i.

24 My name is David Wilamowski. And I spent
25 about 60 to 70 hours hiking up Surprise Canyon in the

1 past couple of months. I have been doing some biological
2 survey work there. And the last time I was up there was
3 July 13. I spent about seven hours hiking up the Canyon,
4 and I saw signs of bighorn sheep virtually the entire
5 length of the Canyon.

6 There are many areas there that are so
7 narrow, as far as access, the vegetation is tight that
8 any vehicles -- certainly hikers have to walk up the
9 stream bed. Any vehicles would certainly have to be
10 driving directly up the stream bed, which is narrow.
11 There are a lot of interesting plants growing in the
12 stream bed, itself. I have a list of species.

13 I just feel like the amount of time that
14 I've spent there is certainly limited, but it's been --
15 it's obvious to me that there is an awful -- despite the
16 fact that it's rock, for the most part, it's an awful
17 fragile habitat. And I really respect the Novaks, here,
18 in seeing that any vehicular traffic, at all, I think,
19 would be very damaging to the habitat.

20 Thanks.

21 MR. JOSTES: Thank you.

22 The next speaker is Jeanie Haye.

23 Be sure to speak up.

24 Why don't you see if you can project.

25 MS. HAYE: I'll try. I'm kind of klutzy.

1 I'm Jeanie Haye, H-a-y-e. I'm with the Sierra Club.

2 And I want to remind everyone -- I think
3 most of you know that we have a good Sierra Club group
4 here, and we're interested in representing our views of
5 land use and land health.

6 And it occurs to me that a use for land
7 that people don't talk about very much is that the land
8 be healthy. That that in, itself, is a goal. In other
9 words, it doesn't matter so much whether I go in there.
10 And, frankly, I can't. I can't walk very far in there.
11 I'm lucky. I have been able to walk in a little bit, and
12 I was moved by the beauty, and it was a place seemed
13 unlike any other. It was very special that I could walk,
14 oh, less than a mile and see what I saw there. I give
15 thanks for that.

16 But I think my concern is not whether I can
17 go there or someone else can go there. My concern is how
18 is the land fairing. And I believe the current closure
19 contributes to better land health, and that that matters
20 to all Americans.

21 BLM doesn't represent only people
22 here. BLM represents everybody in the country. We're
23 all having to speak for other people whose ideas we
24 share, wherever they are.

25 So thank you for this opportunity, and I

1 appreciate seeing people of different views, many of whom
2 are my friends -- whatever they believe.

3 MR. JOSTES: Thank you, Jeanie.

4 Are there -- we have one from Rob Park.

5 Rob, would you like to address this?

6 MR. ROB PARK: My name is Rob Park. And I
7 guess I'm here for myself. But I am an active member of
8 Cal Four-Wheel and local Tin Benders Four-Wheel Drive
9 Club and Associate Gear Grinders.

10 We've had some pretty beautiful statements
11 about bighorn sheep and such. And I've traveled that
12 canyon many times in my four-wheel drive. And I've seen
13 the same thing.

14 I have two small children. And the only
15 way that they can see that beautiful canyon, that was so
16 eloquently spoken of, is in my four-wheel drive.

17 We also have several handicapped people in
18 our association whose only access is four-wheel drive.

19 We've -- I've spoken to these two
20 gentlemen -- or at least one of them several times on the
21 way up to the Canyon to drop off stuff to them and pick
22 up trash and take it out. We've kind of adopted that.
23 That's our local trail. We've hauled lots of trash out
24 and taken care of that trail.

25 We've built up dams on the way back to

1 divert their water back to their camp after it's been
2 rained out. I don't know. It troubles me to see that
3 anybody would want to close that canyon to access and to
4 limit the people who cannot see the area that she spoke
5 about.

6 It's a beautiful historic area. And out of
7 the four people who have come up to talk about how we
8 ought to close this canyon down, only one of them is
9 physically able to get up there, other than a four-wheel
10 drive.

11 It saddens my heart. I'd like to take my
12 kids. And I think that's all I've got to say.

13 MR. JOSTES: Thank you, Rob.

14 Are there other folks who would like to
15 speak?

16 Yes, ma'am.

17 Thank you.

18 Marie Brashear.

19 MR. JOSTES: Marie Brashear,

20 B-r-a-s-h-e-a-r.

21 MS. BRASHEAR: Issues for the Environmental
22 Impact Statement, alternatives. In addition to the
23 no-action alternative every one of the types and kinds of
24 scenic river designations should be analyzed as separate
25 alternatives. There are multiplicity of designations

1 under that act. And each one of them should be analyzed
2 as a separate alternative.

3 Additionally, as that is on the County of
4 Inyo's maintenance map, probably RS2477 needs to be --
5 and as the County of Inyo has asserted some 15 years ago,
6 it's RS2477 rights. Probably need to analyze that.

7 We -- I think, probably we can look at the
8 relationship between the existing drought and the use of
9 the water in that canyon by bighorn sheep, the greater
10 use this year.

11 Let me think. What else?

12 We probably need to look at what the
13 designation of a wild and scenic river in that canyon --
14 how it will impact the mining in the adjoining canyon,
15 which is what I think the sole purpose for this
16 designation is in the first place is to stop mining
17 above, near anywhere in that area.

18 So we also might want to look at not just
19 the geology but the existing mining that's going on
20 around that canyon.

21 Let me think. What else?

22 I guess that's all for now.

23 We might have some more later this evening.

24 MR. JOSTES: Okay. Thank you, Marie.

25 Would anybody else like to make a comment?

1 Don't be bashful.

2 This is your chance.

3 MR. STRUB: I'm going to hand these in

4 afterwards. I'm using them for my notes.

5 MR. JOSTES: Okay.

6 Robert?

7 MR. STRUB: Yeah.

8 MR. JOSTES: If you could --

9 MR. STRUB: Okay. Will you hear me all

10 right?

11 MR. JOSTES: Be sure to state your first

12 and last name.

13 MR. STRUB: My name is Robert Strub,

14 S-t-r-u-b. And I'm from beautiful Trona, which is one of

15 the nearest cities located to the Surprise Canyon, as

16 mentioned in certain graphs and notices.

17 Anyway, I have a whole bunch of things. I

18 want an alternative to be studied of installing a dam in

19 the Surprise Canyon along with its benefits to animals,

20 plants, indians, and the protection of cultural sites,

21 such as Chris Wicht Camp. That's certainly an old camp.

22 And I would also like to see that study of

23 dams to include, in less detail, the whole of the

24 Panamint Valley. And that will tie in with other things

25 that I'm requesting here, too.

1 I'd like to see an alternative of
2 Panamint City in this study to provide a living site for
3 the Timbersha Shoshone or an adjacent site to the
4 Panamint City to replace Centennial Flats, which was
5 given to them by the Federal Government by an act of
6 Congress and is no longer suitable as it has no water.
7 Centennial Flats is of high elevation and so is
8 Panamint City.

9 Okay. In your water quality and quantity
10 studies, which I think was Item 4 on your list --

11 MR. JOSTES: Yes, it was.

12 MR. STRUB: -- there needs to be a study,
13 in that respect, done for all the perennial rivers in the
14 Panamint Valley. I believe there are 11 of them, and
15 they were stated by name in the North East Mojave
16 Coordinated Regional Management Plan.

17 Okay. And here we go with the last one.
18 We also need a study that needs to be done along with the
19 EIS. And this would be an environmental justice study
20 for all of Panamint Valley with particular regards to
21 water.

22 The reason I'm asking for that last study
23 is that water is precious out here in the desert. And I
24 believe that 90 or 85 percent of the rivers that are
25 perennial in the Panamint Valley are basically protected

1 by wilderness in being surrounded on both sides of the
2 river, on one side of the river. And, therefore, I think
3 that the only one left open is Pleasant Canyon. That
4 gets us above 90 percent.

5 And if we're going to go tie up these
6 waters in the Surprise Canyon and protect it with the
7 wild and scenic act, we need to evaluate the whole valley
8 because the waters are so tied up.

9 And Searles Valley, which is the adjoining
10 valley to Panamint Valley, may at some future time need
11 that water. And this may, in turn, call for an
12 adjustment to some of the wildernesses that are out
13 there.

14 Thank you.

15 MR. JOSTES: Okay. Other comments from
16 folks?

17 Okay. Gentlemen in the back. No?

18 Okay. Hearing none, I'm going to give you
19 a chance -- there's somebody right behind you.

20 Hold on, George.

21 Thank you.

22 Garry Hall.

23 MR. HALL: Hi. I'm Garry Hall with
24 On the Rocks Four Wheelers. I have made quite a few
25 trips up there.

1 MR. JOSTES: If you could use the mike,
2 please.

3 Thank you.

4 MR. HALL: I've made quite a few trips up
5 there. It's really a beautiful place. And I've listened
6 to some stuff here.

7 Putting a mine in there -- or excuse me,
8 not a mine -- a dam anywhere near those narrows would be
9 an absolute disaster. One, it would ruin the Canyon as
10 it is. And, second, within about 10 years, it wouldn't
11 be there anymore anyway because it would be washed away.

12 I've got some pictures here of a jeep
13 crawling down the first waterfall at Surprise Canyon.
14 And some of us were up there Labor Day. I think it was
15 last year or just after Labor Day, and there was a huge
16 flash flood that went down there; and if you look at
17 these pictures, it doesn't even look like the same spot;
18 but trust me, it is.

19 The Canyon's probably 15 feet deeper. And
20 everything that was there -- the vegetation, the critters
21 are all downstream quite a ways.

22 At the top of the seventh waterfall, there
23 was a pretty heavy ore car -- motorized ore car that sat
24 there for years. We used it as a winch point to get up
25 the last waterfall. That ore car is now a third of a

1 mile below the first waterfall. It completely went
2 through that canyon in this gully washer. So I would
3 like not to see that road rebuilt as a road.

4 But the Boy Scouts have a great interest of
5 going up there and camping. And a lot of four wheelers
6 go up there and maintain the buildings up at Panamint
7 City and clean things up. We carry down no end of trash.
8 And I think it was in the Environmental -- Society for
9 Environmental Diversity -- they made mention of cutting
10 wood and a lot of things, stacking rocks. Well any rocks
11 you stack in that canyon are still going to be gone
12 anyway. For a small rock to crawl up a waterfall, I
13 mean, it's no contest.

14 And I have been reading a book, the Death
15 Valley and the Amaragosa. It's quite interesting. It's
16 got all the history. And Surprise Canyon has a history
17 of a lot of misrepresentation and most of them were stock
18 scams, but it still comes down to misrepresentation.

19 And I think right now with this closure and
20 the facts that are -- they're not facts -- but the things
21 that have been presented. We've still got that same
22 misrepresentation.

23 Thank you.

24 MR. JOSTES: Thank you.

25 Yes, Jeri.

1 MS. FERGUSON: Hi. My name is Jeri
2 Ferguson, F-e-r-g-u-s-o-n.

3 J-e-r-i. Sorry.

4 I am with California Association of
5 Four-Wheel Drive Clubs. I am the natural resources
6 consultant. I also sit on the Desert Advisory Council.

7 A few of the things that I'd like to see in
8 the EIS is the history of the Panamint Range. We went
9 through major closures in 1994 through the Desert
10 Protection Act. Congress designated this corridor opened
11 to motorized vehicles. I'm not sure how somebody else
12 can come along and change that. This was also a county
13 road. I'm not sure how that could be changed through
14 this process.

15 One of my other concerns is bias in the
16 Ridgecrest field office. I have a lot of concerns about
17 the environmental documents. I've had several
18 e-mails from different people, coming up to me and
19 telling me -- well, e-mails telling me that the
20 Ridgecrest field office has told them that this canyon
21 will never be opened to motorized recreation again. And
22 this was Memorial weekend. This was after the scoping
23 period started. And I don't see how -- if the Ridgecrest
24 park rangers are going out telling people that, how this
25 is not predetermined its outcome.

1 The economic impacts, I heard that nobody
2 spends any money in Inyo County. I think that you
3 actually need to go to the Texaco station in Trona and
4 ask them. They're the ones that are going to be heavily
5 impacted by these closures -- or this closure.

6 Our association, itself, has economic
7 impacts to it by this closure. This was one of our
8 fundraisers. Plus it was a back country touring where
9 people could go and see it.

10 Like Mr. Strub said, there were 11 other
11 canyons, riparian canyons. And there's probably 2 or 3
12 because Goler is open, also.

13 It's G-o-l-e-r.

14 So those canyons also have water in them.
15 I don't see the difference between Surprise or Goler as
16 far as the riparian habitat or the impacts.

17 The other thing that concerns me is there
18 has not been a proper functioning study done which has to
19 be done to determine whether or not there's impacts on
20 the Canyon.

21 There are some places that will never ever
22 be at its proper functioning condition, which is
23 habitat -- a riparian habitat, those rocks will never
24 ever hold that. I mean, it's just not going to happen
25 with the flooding that goes through there. And that's

1 okay. That's the way Mother Nature intended it.

2 There's been gas, oil, and water studies at
3 our events. There's never been any -- any sufficient
4 amount of gas, oil, or antifreeze in the water from our
5 event.

6 My mind just went blank. So I probably
7 should stop now, and then I'll have time to comment
8 later.

9 MR. JOSTES: Are there others that would
10 like to speak this afternoon?

11 Okay. George, you wanted to speak again.

12 MR. G. NOVAK: Thank you.

13 MR. JOSTES: We'll extend that opportunity
14 to you.

15 MR. G. NOVAK: Well, they talked about
16 pollution of the water. And I remember the day when I
17 could take my silver ore and process it and do a
18 beautiful job of processing your silver ore with that
19 water.

20 In order to process silver, you should
21 have -- your water has got to be 100 percent pure,
22 practically, or it has to be distilled.

23 I could process ore with no problem. The
24 day come when I could not work the silver with that ore.
25 It would not work because the water had different

1 chemicals in it that reacted against my silver, to
2 process it. But that's just one of the few things.

3 But about the road. Now, that road is
4 quite an ordeal. It's the most hazardous road in
5 California according to people who build roads.

6 The road was built back by the old-timers,
7 and they put it on the north side of the Canyon, and they
8 never touched their foot in the water. They wouldn't
9 allow a wagon wheel to go in that water unless it was
10 absolutely necessary to cross it at little crossings.
11 There were about two or three crossings they would cross
12 to get across it.

13 And anybody caught going in that water or
14 damming it off in those days, they was in bad, bad
15 trouble by the miners. The miners kept that water pure
16 and clean. And they put that road on the north side of
17 the Canyon.

18 Well, this road is washed out. So back
19 there in '79 and '80, why, we leased some land out there
20 to a man named Joe Hasting. I went up there with
21 Joe Hasting, and I worked. I spent my time. I charged
22 nothing for it. We used our dozers and our machinery,
23 and we rebuilt that road. It cost \$36,000 at that time
24 to rebuild it.

25 And when it come to the narrows, we had to

1 get the Cats up the narrows. So we had a Ford truck, the
2 big one, the big MAC. We loaded the dirt up and down
3 below here and hauled it up. And I had to back that
4 truck up that canyon and unload enough dirt. And we
5 pushed it out to get the dozer above the Canyon so we
6 could push dirt down and fill in the Canyon to build the
7 road. It was quite a bit of job.

8 I had knots in my neck as big as my fist
9 from looking back trying to drive that big truck up that
10 canyon.

11 And then Hasting went out and leased the
12 mines up there to a man named Dave Pruitt. Well,
13 Dave Pruitt, he spent a lot of money. He got a lot of
14 money out of Canada and all kinds of places.

15 He put money into that project up there.
16 And I told him, "When you go to mining up there, Dave,
17 get all the equipment up there you need. Get everything
18 possible that you will need hauled up that road and get
19 it up there, and once you get it up there and start
20 mining, it would be a lot cheaper for you to use a
21 helicopter to do your transportation back and forth and
22 forget about the road because that road is going to wash
23 out."

24 "Oh, no. Roads never wash out. It don't
25 rain in California, huh-uh."

1 But it did. Dave Pruitt didn't go broke.
2 But Dave Pruitt went down the Canyon, him and his crew.
3 And while they were down the Canyon on payday night
4 celebrating over here in Red Mountain or somewhere, a
5 flash flood come and washed the road out. Then there he
6 is. He can't go back to go mining; so that stopped.
7 Joe Hoftrainer (phonetic) stopped. Bless
8 his heart. He's dead now. He died of old age.
9 And I guess I'll be the next one. I'm the
10 oldest man in the Panamints. I've been there longer than
11 any man has lived at one time, even.
12 But we was going to lease some mines out
13 there to some people one time and five -- four men come
14 up. They were all dirt movers.
15 And the reason I mention this is because
16 I've heard that they're figuring on wanting to put a road
17 back in the Canyon so that people can go up and down it,
18 which is unnecessary, really, but just for machinery or
19 something. But it would have to be done right.
20 These four men come to my house, and I
21 talked to them. And I said, "I don't put out a rosy
22 picture to anybody." I come up with all the bad points
23 there is to tell about; and if something good comes
24 along, it will make them smile and make them feel better.
25 But I don't want to tell you about all the rosy things

1 and nothing about the bad things.

2 But we had a hell of time getting enough
3 dirt to built that road the last time we built it. And
4 we talked about. "What will we do for dirt the next time
5 we have to build a road?"

6 Well, I said, "That's something that we're
7 going to have to worry about it; so when we go up there,
8 let's all take our pad and plenty of paper and a pencil.
9 We'll walk a distance. We'll look at the road, see what
10 you think it would cost to fix that little stretch of
11 road, write it down on a piece of paper, and we'll wait
12 until we get to Panamint City. And we'll stay up there
13 that night. We won't say a word to each other. We'll
14 all sit down and figure up what our estimation is on
15 building that road."

16 Now, this is a pretty dam good idea, I
17 think, about -- it can't be too far off. These men are
18 all dirt movers. And I helped build that road, and I've
19 helped fix it time after time. And I was up there the
20 first time when I was about 12 years. I know a little
21 bit about Surprise Canyon.

22 MR. JOSTES: Okay. Could you wrap up,
23 George?

24 MR. G. NOVAK: Yeah.

25 MR. JOSTES: Okay.

1 MR. G. NOVAK: And my dad was a blacksmith.
2 He sharpened tools and made mine collars and all kinds of
3 stuff.

4 But, anyway, we got to Panamint City that
5 night. We all sat down. We did our figuring. We got
6 done. Well, how does it add up?

7 Believe it or not, there was \$800
8 difference in our figures with a \$5,000,000 job.

9 That's what it would cost to put
10 Surprise Canyon road back in so four-wheelers could run
11 up and down the Canyon.

12 They never spend a damn dime over there
13 that I know of. Nobody has ever reached in their pocket
14 and put out a dollar to help build the roads in
15 Surprise Canyon.

16 I went down and bought myself a tractor,
17 and I fixed the damn road. I haven't been able to fix it
18 lately because I've had four major operations in less
19 than a year -- a colon cancer operation, a bypass, my
20 liver, gallstones, and a few other damn things.

21 MR. JOSTES: Okay.

22 MR. G. NOVAK: And I'm just getting over
23 it. I'm skinny as a rail. I've lost all of my weight.

24 But, anyway, I want people to know that it
25 is one of the biggest operations you can take to try to

1 put a road in Surprise Canyon and think that you're going
2 to build a road and make it stay. Unless you build a
3 concrete road all the way up like you might find going
4 through the Grand Canyon, going to Denver, Colorado, or
5 something.

6 MR. JOSTES: Okay.

7 MR. G. NOVAK: There's no way you're going
8 to put a road in there and make it stay.

9 MR. JOSTES: Okay. We've got that in
10 there.

11 MR. G. NOVAK: Just like I told Pruitt, get
12 you a helicopter and do it with a helicopter. And I've
13 got mines up there right now. And I own the water
14 rights to Surprise Canyon. I'm the guy that owns it.
15 Where I live is Grandpa Rights in Surprise Canyon, the
16 oldest water rights that I know of in this part of
17 California.

18 MR. JOSTES: George?

19 MR. G. NOVAK: It's the oldest spot where
20 man has lived except --

21 MR. JOSTES: You're going have to wrap up.

22 MR. G. NOVAK: Okay. We'll wrap it up and
23 call it a day. Thank you all.

24 MR. JOSTES: Thank you.

25 MR. G. NOVAK: God bless us and may the

1 world keep turning.

2 MR. JOSTES: Okay. Other comments?

3 Okay. We've got one over here. And then
4 another one here and a third one there.

5 MR. JOSTES: Thank you.

6 Bruce Wright.

7 MR. WRIGHT: I just have a few comments.

8 I'm Bruce Wright, recently retired university professor
9 in ecology, interested in the ecosystem up there.

10 I was just up there on Saturday. I went
11 for a hike up the Canyon. It is an absolutely gorgeous
12 place.

13 Four issues I think that the EIS should
14 consider is maintaining water quality; maintaining the
15 integrity of the sheep population that's up there, both
16 of which I think are unique resources up there;
17 understanding the geology. The geology is instrumental
18 to bringing that water to the surface, especially in that
19 Marble Canyon, that narrow canyon.

20 And then the fourth thing that nobody's
21 mentioned is consideration of the invasive species issues
22 that we have up there, particularly the Salt Cedar. I
23 think that's what referred to -- that one tree species.
24 There's a few of them up there that should probably be
25 eliminated. And the burros. I saw 11 burros up there

1 last week. And the burros are doing an awful lot of
2 damage, especially up along the hillsides. They're
3 kicking over the barrel cactus, eating the barrel cactus.
4 If anything is --

5 MR. G. NOVAK: I love those burros. I told
6 the BLM to leave them, and they did.

7 MR. WRIGHT: Yeah. I've got a good recipe
8 for burro.

9 Thank you.

10 MR. JOSTES: Thank you. Next.

11 This gentleman here, and then we'll go
12 towards -- right over there.

13 Yes.

14 MR. HAYE: My name is Stan Haye, H-a-y-e.

15 I just wanted to correct a few -- I just
16 wanted to make a few more comments. No. 1 is that no
17 road has a divine right to exist. I don't care how long
18 it's been there.

19 And as far as RS2477 goes, there may be or
20 may not be RS2477 rights up there.

21 But the BLM is prohibited by law from
22 considering RS2477 at this point. It should not be part
23 of this document.

24 I also want to emphasize, again, the issue
25 is not access. There is access up Surprise Canyon.

1 You've just heard about three or four people that have
2 had access to Surprise Canyon. The only issue is
3 motorized access. And that's the only thing this
4 document is going consider, is motorized access.

5 As far as that goes -- as far as motorized
6 access goes, no one has a right to go everywhere. For
7 instance, I can't climb Mt. Whitney.

8 Does that mean that we should build a road
9 to the top of Mt. Whitney so I could take my SUV and
10 drive there?

11 MR. ROB PARK: Just keep everybody else
12 out?

13 MR. HAYE: I think that no one has a right
14 to go everywhere. And there is plenty of places for
15 people to go. And they don't have to go everywhere.

16 I just want to also note that although
17 Trona is closest to Surprise Canyon, it is not in the
18 same county. Surprise County is in Inyo County. Trona
19 is in San Bernardino.

20 As far as The Death Valley and the
21 Amaragosa by Ligenfelter, I read that book cover to
22 cover. There's nothing in that book that contradicts
23 anything that has been said here, as far as I know. If
24 anyone thinks there is, I'd sure like to know exactly
25 what it is.

1 As far as anything that people in
2 Ridgecrest, the resource area, have said, that's sheer
3 hearsay. It should not be considered in this hearing.

4 MR. JOSTES: Okay. Gentleman down here.

5 MR. STRUB: Bob Strub, S-t-r-u-b, from
6 beautiful Trona, California.

7 I think that there should also be an
8 alternate of a new road cut on the face of the Panamint
9 mountains to provide access to Panamint City at a grade
10 less than 12 percent so that fire engines can get to
11 Panamint City.

12 Thank you.

13 MR. JOSTES: Okay. Last call.

14 Anybody who hasn't spoken that would like
15 to speak on the issue of environmental focus in the
16 alternative to be addressed in the EIS?

17 Going once?

18 Going twice?

19 Thank you very much.

20 What we've taken down here, at least, from
21 my perspective on the flip charts, and I presume from
22 Natalie's perspective, as well, has given us a lot to
23 think about, a lot of different perspectives.

24 But the idea is to provide the report
25 preparers with a full range of input about environmental

1 issues of concern. And I think we certainly achieved
2 that purpose this afternoon.

3 I look forward to seeing some of you this
4 evening. We will go through this basic same exercise
5 this evening in terms of entertaining comments.

6 If we have more comments this evening, we
7 may need to really focus in and be deliberate in trying
8 to keep our comments to one comment per person and trying
9 to stay within that three-minute time frame.

10 But, again, thank you for coming and making
11 your concerns known. We're going to take a recess until
12 we reconvene this evening at seven o'clock sharp.

13 Thank you all for coming.

14

15 (Whereupon, at 4:40 p.m., the
16 proceedings were concluded.)

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1 STATE OF CALIFORNIA)
) ss.
2 COUNTY of KERN)

3

4

5 I, Natalie Davies, a Certified Shorthand
6 Reporter for the State of California, holding
7 Certificate No. 12311, do hereby certify that I was
8 present and reported in stenotypy all the proceedings in
9 the foregoing-entitled matter; and I further certify that
10 the foregoing is a full, true and correct statement of
11 such proceedings and a full, true and correct transcript
12 of my stenotype notes thereof.

13

14 Dated this 11th day of September, 2002, at
15 Bakersfield, California.

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Natalie Davies, CSR No. 12311

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